

DEPARTMENT OF BENEFIT PAYMENTS

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July 13, 1976

ALL-COUNTY LETTER NO. 76-97

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ALICE v. STATE DEPARTMENT OF SOCIAL WELFARE

REFERENCE:

The Third District Court of Appeal recently issued a decision in the case of Alice v. State Department of Social Welfare (55 Cal. App.3d 1039). This case was filed several years ago to challenge a Department of Social Welfare policy concerning contacting parents of unwed pregnant minors who apply for AFDC and/or Medi-Cal. In its decision, the District Court of Appeal finds that state law precludes county welfare departments from contacting the parents of unwed pregnant minors who are applying solely for medical assistance. Therefore, the Court concludes that a December 9, 1970 All-County Letter of the Department of Social Welfare and All-County Letter No. 74-13 (dated January 18, 1974) are in error to the extent that they authorize the denial of medical assistance benefits to unwed pregnant minor applicants who refuse to consent to a parental contact.

The December 9, 1970 letter to All County Welfare Directors advised counties to deny AFDC benefits to unwed pregnant minors who refused to provide necessary information or to consent to a contact with their parents. This advice was clarified in All-County Letter No. 74-13. In this second letter, counties were advised that parental contacts should not be required where the parents' ability to support an unwed pregnant minor AFDC applicant could be verified completely through records of public agencies.


Department of Health regulations have been amended to ensure that county welfare departments do not contact parents of unwed pregnant minors who are applying solely for medical assistance benefits. Attached is a copy of C.A.C., Title 22, Section 50031 as adopted by an emergency regulation July 1, 1976. The new regulation permits persons who are linked to AFDC and whose income is below the AFDC

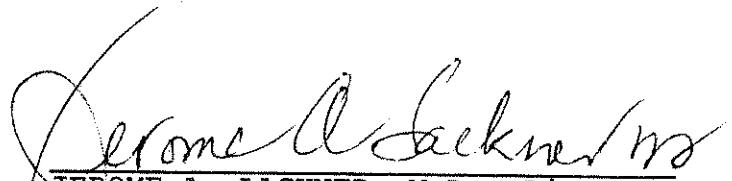
cash grant standard to establish eligibility under the Medically Needy program if the person requests Medi-Cal only. Such person will no longer be required to meet the AFDC cash grant verification requirements or conditions of eligibility such as parental contact as was required when eligibility was established under C.A.C., Title 22, Section 50029(b)(2). (Refused grant category.) Thus, Department of Benefit Payments regulations relating to parental support obligations and/or parental contacts (EAS §§ 43-105.1, 43-105.2 and 43-107.6) are not applicable to determinations of eligibility solely for Medi-Cal benefits.

The Alice decision does not affect any current regulations, instructions or procedures related to verification of eligibility of AFDC applicants. Therefore, all methods of verifying eligibility, including necessary parental contacts, may be employed where an unwed pregnant minor is applying for a cash grant.

If you have any questions or comments concerning the Alice case or the information contained in this letter, you should contact the Field Representative, Medi-Cal Eligibility (see Medi-Cal Letter No. 1-76).

Sincerely,


MARION J. WOODS, Director
Department of Benefit Payments


JEROME A. LACKNER, M.D., Director
Department of Health

Attachment

cc: CWDA

WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

(3) Repeals Section 50031.

(4) Adopts new Section 50031 to read:

50031. Medically Needy Program. (a) A person's eligibility shall be determined under the Medically Needy program if that person is any of the following:

(1) An aged, blind or disabled person who is both:

(A) Linked to SSI/SSP.

(B) Not eligible for or does not want to receive Medi-Cal as a PA or Other PA recipient.

(2) An aged person who has an application pending for SSI/SSP.

(3) A child or family member who is both:

(A) Linked to AFDC.

(B) Not eligible for or does not want to receive Medi-Cal as a PA or Other PA recipient.

(b) In order to be eligible under this program the persons listed in (a) shall meet the property requirements specified in these regulations and the citizenship and residence requirements of the public assistance regulations.

(c) In order to be certified and receive a Medi-Cal card under this program, the persons listed in (a) shall be determined eligible and meet the income and share of cost requirements specified in these regulations.